

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

The STATE of ARIZONA, et al.,

Plaintiffs,

v.

MERRICK GARLAND,
in his official capacity as
Attorney General of the
United States, *et al.*,

Defendants.

Civil Action No. 6:22-cv-01130

**MOTION TO DISMISS FOR LACK OF JURISDICTION
AND FAILURE TO STATE A CLAIM**

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), Defendants hereby move to dismiss Plaintiffs' Second Amended Complaint, ECF No. 86, for lack of jurisdiction and failure to state a claim upon which relief may be granted for all the reasons stated in the attached Memorandum in Support and all exhibits referenced in and attached hereto.

Dated: December 22, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

WILLIAM C. PEACHEY
Director
Office of Immigration Litigation
District Court Section

EREZ REUVENI
Counsel

SARAH L. VOUNG
Assistant Director

BRIAN C. WARD
Senior Litigation Counsel

/s/ Joseph A. Darrow
JOSEPH A. DARROW
ELISSA P. FUDIM
ERIN T. RYAN
SYDNEY A. JACKSON
EVAN P. SCHULTZ
Trial Attorneys
U.S. Department of Justice
Civil Division
Office of Immigration Litigation
District Court Section
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
Tel.: (202) 598-7537
Joseph.a.darrow@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2023, I electronically filed this motion to dismiss with the Clerk of the Court for the United States District Court for the Western District of Louisiana by using the CM/ECF system. Counsel in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

/s/ Joseph A. Darrow
JOSEPH A. DARROW
U.S. Department of Justice